



PATENT
Docket No. ARC012001300

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Rimas T. Lukas
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#9
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5-12-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Thomas M. BAER et al.

Serial No.: 09/788,117

Filing Date: February 16, 2001

For: TRANSFER FILM FOR LASER
MICROCAPTURE

Examiner: L. Blaine LANKFORD

Group Art Unit: 1651

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

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This is in response to the Restriction Requirement dated March 25, 2003 (Paper No. 7), which sets forth a restriction requirement for pending claims 1-104. A response is due by April 25, 2003. Accordingly, this response is timely filed.

Applicants have filed a Preliminary Amendment in this case canceling claims 1-104 and adding 17 new claims. The Preliminary Amendment that was faxed to the Office is attached herewith. Applicants respectfully request entry of the Preliminary Amendment. Applicants believe that entry of the Preliminary Amendment is permissible at this time as there has been no action on the merits in this case and significant additional time would not be required so as to unduly interfere with the preparation of a first office action on the substantial merits of this case. MPEP §714.03(a)(IV). The applicants believe that the shift from one set of claims to another

set of claims would reduce work as by simplifying the issues and result in no additional work or expense. For these reasons the applicants respectfully request that the Office waive the election to the restriction requirement made herein below and permit the shift. MPEP §819.01.

Alternatively, in the event that the Preliminary Amendment is not entered, applicants hereby elect Group I (claims 1-36) with traverse. Independent claim 1 generally describes a transfer film that is designed for micro-capture with expansion and adhesion properties. Independent claims 37 and 59 generally describe a transfer film that is designed for micro-capture with expansion, adhesion, and additional retraction properties. Hence, Group I, II and III claims describe a transfer film for use in micro-capture that would not require an additional search for each of the Groups I, II and III. Also, independent claim 1 of Group I is a genus claim to independent species claims 37 and 59 of Groups II and III, respectively. Hence, applicants believe that at most only a two-way restriction is warranted in this case where Group I, II and III claims are restricted from Group IV claims. Applicants expressly reserve their right under 35 U.S.C. § 121 to file one or more divisional applications directed to the non-elected or cancelled subject matter during the pendency of this application, or an application claiming priority from this application.

Respectfully submitted,

Dated: April 25, 2003

By:



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NOTES/COMMENTS:

U.S. Patent App. Ser. No: **09/788,117**
Group Art Unit: **1651**

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